

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

SALZGITTER MANNESMANN  
INTERNATIONAL (USA) INC.,

Plaintiff,

V.

SOUTHEASTERN STUD &  
COMPONENTS, INC.,

Defendant.

Civil Action No.: 2:07cv764-MHT

## REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to Fed. R. Civ. P. 26(f), the following counsel for the parties conferred by telephone and email on October 18 and 19, 2007:

Christopher C. Haug on behalf of Plaintiff

Von Memory on behalf of Defendant

2. Pre-discovery disclosures. The parties will exchange by November 1, 2007, the information required by Rule 26.1(a)(1).

3. Discovery plan. The parties jointly propose to the court the following discovery plan:

Discovery will be needed on the following subjects: Communications and documents relating to the contracts and agreements between Plaintiff and

Defendant; the goods and materials related to the contracts and agreements between the parties; and the performance of the parties pursuant to the terms and conditions of the contracts and agreements; Plaintiff's claims; Defendant's defenses; and Plaintiff's damages.

Disclosure or discovery of electronically stored information should be handled as follows: Requests for production of documents shall include printed versions of documents that are stored electronically. In response to requests for production, the responding party will conduct a search of its electronic database(s), retrieve responsive documents, including electronic communications, and produce printed versions of those documents to the extent they are not privileged. Except on motion for good cause shown or by the agreement of the parties, (1) a party responding to discovery shall not be obligated to allow the requesting party to have access to database(s) holding electronically stored information; and (2) the parties shall not request or be obligated to produce embedded data, metadata, back-up or archival data.

The parties have agreed to an order regarding claims of privilege or of protection as trial-preparation material, as follows: Each party will prepare a privilege log listing each document that is responsive to a request for production from the date of the filing of the initial complaint in this action but that is withheld from production under claim of privilege or work product protection. The list shall

include the information required by Rule 26(b)(5)(A) of the Federal Rules of Civil Procedure and shall be provided upon request.

All discovery, including expert depositions, will commenced in a time to be completed by February 15, 2008.

Maximum of thirty (30) interrogatories by each party to any other party. Responses due on the thirtieth (30<sup>th</sup>) day after service, unless extended by the agreement of the parties or by court order.

Maximum of thirty (30) requests for production by each party to any other party. Responses due on the thirtieth (30<sup>th</sup>) day after service, unless extended by the agreement of the parties or by court order.

Maximum of twenty (20) requests for admission by each party to any other party. Responses due on the thirtieth (30<sup>th</sup>) day after service, unless extended by the agreement of the parties or by court order.

Maximum of ten (10) depositions by Plaintiff and ten (10) depositions by Defendant. Each deposition is limited to a maximum of eight (8) hours unless extended by the agreement of the parties or by court order.

Reports for retained experts under Rule 26(a)(2) due:

From Plaintiff or Defendant, by December 15, 2008.

Rebuttal to expert reports by January 15, 2008.

Supplementations under Rule 26(e) due by February 15, 2008.

4. Other Items.

The parties do not request a conference with the court before entry of the scheduling order. The parties request a final pretrial conference in late May 2008.

Plaintiff should be allowed until November 5, 2007, to join additional parties and until November 5, 2007, to amend the Complaint.

Defendant should be allowed until November 5, 2007, to join additional parties and until November 5, 2007, to amend its Answer to the Complaint.

Should either party amend the pleadings or join additional parties, then the other party shall have until November 12, 2007 to also join additional parties or amend the pleadings.

All potentially dispositive motions should be filed by February 23, 2008.

The parties will work to arrive at a negotiated resolution of their dispute. Mediation may be requested by the parties in connection with these negotiations at a later date.

Final lists of witnesses and exhibits under Rule 26(a)(3) should be due:

From Plaintiff: witnesses by May 1, 2008; exhibits by May 1, 2008.

From Defendant: witnesses by May 1, 2008; exhibits by May 1, 2008.

Parties should have fourteen (14) days after service of final lists of trial evidence to list objections under Rule 26(a)(3).

The case should be ready for trial by this Court's June 23, 2008 non-jury civil term and, at this time, is expected to take approximately four (2) days to try.

Respectfully submitted this 22<sup>nd</sup> day of October, 2007.

<p><u>s/ J. Forrest Hinton</u>  <b>J. FORREST HINTON</b>          ASB-3744-N47J  <u>s/ Christopher C. Haug</u>  <b>CHRISTOPHER C. HAUG</b>          ASB-9226-E64H</p> <p>Attorneys for Plaintiff Salzgitter          Mannesmann International (USA) Inc.</p> <p>Baker, Donelson, Bearman,          Caldwell &amp; Berkowitz, P.C.          Wachovia Tower          420 N. 20<sup>th</sup> Street, Ste. 1600          Birmingham, AL 35203          (205) 328-0480 (telephone)          (205) 322-8007 (facsimile)</p>	<p><u>s/ James L. Day</u>  <b>JAMES L. DAY</b>          ASB-1256-A55J  <u>s/ Von G. Memory</u>  <b>VON G. MEMORY</b>          ASB-8137-071V</p> <p>Attorneys for Defendant Southeastern          Stud &amp; Components, Inc.</p> <p>Memory &amp; Day          Post Office Box 4054          Montgomery, Alabama 36103          (334) 834-8000 (telephone)          (334) 834-8001 (facsimile)</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------